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Heike Sederoff

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EXAMINER

RUSSEL, JEFFREY E

ART UNIT

PAPER NUMBER

1654

MAIL DATE

DELIVERY MODE

06/01/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Art Unit: 1654

1. The Sequence Listing filed March 30, 2010 was not approved by STIC for the reasons set forth in the attached Sequence Listing Error Report. See also MPEP 2429, paragraph bridging pages 2400-55 and 2400-56 (August 2001), for a further discussion of the particular error which was noted in Applicants' Sequence Listing.

SEQ ID NO:25 in the Sequence Listing filed March 30, 2010 states that the amino acid at position 6 can be Tyr. However, Table 1 shows Thr (T) rather than Tyr (Y) residues at that position. Also, Table 1 shows Asn as a possibility for position 9, although this possibility is not mentioned in the Sequence Listing. It is not clear if this omission was intentional. SEQ ID NO:25 gives two different definitions for the amino acid residues at position 16. "X=Phe-Tyr-Leu" is repeated in the two definitions, and in the first <223> entry for this position, "His-Thr-Thr-Phe" does not correspond to the amino acid residues present SEQ ID NO:19 as set forth in Table 1. Because SEQ ID NO:25 indicates that the amino acid residues at position 16 can be Phe-Tyr-Leu, this implies that Applicants intend for SEQ ID NOS:2-4 to include these residues, which contradicts the first specification amendment listed in Applicants' response.

SEQ ID NO:29 in the Sequence Listing filed March 30, 2010 states that the amino acids at position 12 can be Lys, Arg, or His. However, in the amino acid sequence disclosed at paragraph [056], the amino acid at position 12 is X₁, i.e. Val or a conservative substitution thereof.

2. The amendment to the specification filed March 30, 2010 has not been entered because it is not in compliance with 37 CFR 1.121(b)(1)(i) and (ii). Concerning the first listed amendment, the amendment instruction is ambiguous as to whether it refers to SEQ ID NOS:2-4 as found at page 3, paragraph [011], or to SEQ ID NOS:2-4 in Table 1 at page 11. In either event, the

Art Unit: 1654

proposed amendment does not present the full text of the paragraph or the table to be amended, as required by 37 CFR 1.121(b)(1)(ii). The proposed amendment to the last row in Table 1 on page 11 does not present the full text of the table being amended. The amendment instructions for the amendment to paragraph “[024]”, and for every subsequently listed amendment, do not comply with the paragraph numbering found in the specification, and thus do not unambiguously identify the location of the paragraphs to be amended as required by 37 CFR 1.121(b)(1)(i). The proposed amendment to paragraph “[055]” does not present the full text of the paragraph to be amended. In the proposed amendment to paragraph “[059]”, second-to-last line, the letters “ing” are both underlined and struck through, leaving it unclear as to whether these letters are to be inserted as part of the text or to be deleted from the text. In replacement Table 3, the header “Sequence” for column 3 is underlined even though it was present in the immediately preceding version of the table.

3. Concerning the proposed amendment to paragraph [013], it should be noted that the variable “X” is used as the inserted SEQ ID NO rather than an actual numeral.
4. Concerning section 2 of the Office action mailed September 29, 2009, no amendment was proposed inserting a SEQ ID NO into paragraph [088].
5. Concerning section 3 of the Office action mailed September 29, 2009, no amendment was proposed deleting the reference to color drawings in paragraph [096].
6. Concerning section 4 of the Office action mailed September 29, 2009, no amendment was proposed with respect to the reference to “Fig. 68B” in paragraph [0114].
7. In response to this letter, it is not necessary for Applicants to re-submit the replacement drawings or the claim amendments which were originally submitted on March 30, 2010.

Art Unit: 1654

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey E. Russel at telephone number (571) 272-0969. The examiner can normally be reached on Monday-Thursday from 8:00 A.M. to 5:30 P.M. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Cecilia Tsang can be reached at (571) 272-0562. The fax number for formal communications to be entered into the record is (571) 273-8300; for informal communications such as proposed amendments, the fax number (571) 273-0969 can be used. The telephone number for the Technology Center 1600 receptionist is (571) 272-1600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jeffrey E. Russel/
Primary Examiner, Art Unit 1654

JRussel
June 1, 2010